

Amendment under 37 C.F.R. §1.116
Serial No. 10/606,844
Attorney Docket No. 030776

REMARKS

Claims 1-12 are pending in the above-identified application. Claim 1 is cancelled. Claims 2 and 7-9 are amended. Claims 11 and 12 were previously withdrawn from consideration. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated November 14, 2005.

The specification was objected to because of informalities. Applicants hereby amend the title, specification, and abstract in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to the specification.

Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim that subject matter which applicant regards as the invention. To expedite prosecution, Applicants cancel claim 1 and amend claims 8 and 9 to recite that the disc unit comprises *a head that records information onto ~~from~~ and/or reproduces information from ~~onto~~ a disc*. [Claims 8 and 9]. Accordingly, Applicants respectfully request that the Examiner withdraw the §112 rejection of claims 2-10.

Claims 1-3 and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by *Myokan* (JP10-134529). Claims 4-7 were rejected under 35 U.S.C. §103 as being obvious over *Myokan*.

To expedite prosecution, Applicants hereby cancel claim 1 without prejudice or disclaimer and amend claim 2 to depend from independent claim 9. Applicants also amend claim 8 to include a limitation of a main FPC and a trunk FPC. In view of these amendments and the following remarks, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-8.

Briefly, anticipation requires the presence in a single prior art reference the disclosure of each and every element of the claimed invention, arranged as in the claim. Here, *Myokan* fails to teach or suggest a trunk FPC, as described in the claims. Accordingly, the rejection of claims is unsupported by the cited art and should be withdrawn.

Furthermore, the Examiner has not produced a *prima facie* case of obviousness. For example, the *Myokan* reference does not attempt to solve the problem stated in the specification, page 2, line 18 to page 3, line 9. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 2-8 over the *Myokan* reference.

Claims 9-10 were rejected under 35 U.S.C. §103(a) as being obvious over *Budde et al.* (U.S. Pat. No. 6,728,078). Applicants respectfully disagree with the Examiner's obviousness rejection, in part, because not all claim elements were properly evaluated. For example, Figure 2 of *Budde* does not disclose a trunk FPC "attached to the side surface of said suspension through an air gap" [Claim 9.] Also, *Budde* does not solve the problem stated in the specification, page 2, line 18 to page 3, line 9. Accordingly, the Examiner has failed to provide a *prima facie* case of obviousness. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 9 and 10.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.


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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Darrin A. Auito', written in a cursive style.

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